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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,178	10/31/2005	Bertrand Wendling	11345/053001	7992

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EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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09/16/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/537,178	Applicant(s) WENDLING, BERTRAND	
	Examiner JULIO PEREZ	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-9, 11-12, 15 is/are rejected.
- 7) ☒ Claim(s) 2, 6, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/29/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-6, 8-9, 11-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-5, 8,9,15 are rejected under 35 U.S.C. 103(a) as being unpatentable Curnyn (US 20040260760A1) in view of Davis et al. (US 20030140769A1).

Regarding claims 1, 9 Curnyn discloses a method for distributing a message from a message administration service to a subscriber receiver of a digital multimedia network, the method comprising: retrieving a point-to-point communication address for said receiver (par. 36, provides means to store user or devices addresses in the local wireless network, i.e., a point-to-point system); transferring a determined message for a determined receiver from the message administration service to a point-to-point communication system that is operatively connected to the receiver and is distinct from the digital multimedia network (pars. 56, 58, 59, 67, 75, describe the delivery of a message via wireless network, i.e., a Bluetooth gateway, from a server or message service system); buffering the determined message in the point-to-point communication system (pars. 75, 76, show the message to be routed to the device or user via an

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appropriate gateway or network); retrieving, at the determined receiver, the determined message from the point- to-point communication system (pars. 78, 86, provide the system with means to transfer the messages in a secure manner to the user via a wireless network); and loading the determined message into the receiver (par. 76, gives access to the device of data to be received).

What Curnyn does not explicitly disclose is determined message comprises access rights pertaining to the reception of data by the digital multimedia network with updating the access rights related to the reception of data by the digital multimedia network.

Although Curnyn teaches security services with a management system that includes device authorization, link level, and application level, with which level checking of addresses before allowing before allowing connection to network , and authenticating and encryption. Davis has been put forth to describe a system with downloading multimedia to devices with permission to usage of the contents within the multimedia, that is, with rights to the usage of the multimedia (par. 33, describes access rights to active components and applications within a client system and warless devices.

Thus, it would have been obvious to one of skilled in the art at the time of the invention to modify Curnyn, such that determined message comprises access rights pertaining to the reception of data by the digital multimedia network with updating the access rights related to the reception of data by the digital multimedia network, it is obvious to send rights information to the users through a system (not necessarily

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wireless, although both references cover the term mobile network) to acquire contents with permission so that the contents can be provided with security.

Regarding claim 3, the combination discloses claim 1, further comprising: receiving the determined message at the receiver (Curnyn, pars. 58, 59, disclose confirming receipt of services); and buffering the determined message at the receiver (Curnyn, pars. 75, 76, with confirmation at sending system).

Regarding claim 4, the combination discloses claim 1, further comprising: generating a confirmation of receipt at the receiver (Curnyn, pars. 58, 59); and emitting the confirmation of receipt to an emitter point (pars. Pars. 75, 78, 97, with emission of message for receiving the services).

Regarding claim 5, the combination discloses claim 4, in which the confirmation of receipt comprises one of at least one of a plurality of items of additional information selected from the group consisting of a status of the receiver decoder, a status of a daughter smartcard used with the receiver decoder, and a version number of an element of the receiver decoder (Curnyn, pars.75, 78-79, relating the services to versions of software, i.e., thus status of reception).

Regarding claim 8, the combination discloses claim 1, wherein the message administration service being included as part of a Subscriber Authorization System (Curnyn, par. 86, describes the VWN, i.e., the system with security means to verify authenticity of providing services for usage).

Regarding claim 15, the combination discloses claim 3, further comprising: generating a confirmation of receipt at the receiver (Curnyn, pars. 58, 59); and emitting the confirmation of receipt to the emitter point (Curnyn, pars. Pars. 75, 78, 97, with emission of receiving the services).

4. Claims 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable Lipsanen et al (US 20050043020A1) in view of Davis et al. (US 20030140769A1).

Regarding claim 11, Lipsanen discloses a receiver or decoder for a digital broadcast multimedia network, the receiver or decoder comprising: a mobile phone modem operatively connected to the receiver or decoder (Figure 1, # 100, a mobile terminal: phone); a destination point address uniquely attributed to the mobile phone modem (Figure 7, shows the terminal with means to store services, thus, it must have an address to receive services; par. 65).

What Lipsanen does not explicitly disclose and a storage space in the mobile phone modem to store at least an access rights message, wherein the access rights message comprises access rights for controlling the reception of data in the digital broadcast multimedia network, and wherein the access rights message is retrieved by the receiver or decoder from the mobile phone modem..

Although Lipsanen teaches security services with a management system that includes device authorization, link level, and application level, with which level checking of addresses before allowing before allowing connection to network, and authenticating and encryption, for controlling the data or information retrieving (pars. 75, 80-82). Davis

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has been put forth to describe a system with downloading multimedia to devices with permission to usage of the contents within the multimedia, that is, with rights to the usage of the multimedia (par. 33, describes access rights to active components and applications within a client system and wireless devices.

Thus, it would have been obvious to one of skilled in the art at the time of the invention to modify Lipsanen, such that determined message comprises access rights pertaining to the reception of data by the digital multimedia network with updating the access rights related to the reception of data by the digital multimedia network, it is obvious to send rights information to the users through a system (not necessarily wireless, although both references cover the term mobile network) to acquire contents with permission so that the contents can be provided with security prior to retrieving contents.

Regarding claim 12, the combination discloses claim 11, wherein the mobile phone modem may receive the access rights message from the mobile phone network and store the access rights message independent of a status of the receiver (Davis, par. 33, capable of storing access rights to various tones, i.e., digital data).

Allowable Subject Matter

5. Claims 2, 6, 13, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art, either singularly or in combination, teach or fairly suggest wherein generating a signal of

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availability at the receiver, triggering for emission of the determined message and upon reception of the signal of availability, emitting the determined message to the receiver; and wherein extracting the at least one item of additional information from the confirmation of receipt; and evaluating the at least one item of additional information to determine a legal status of the receiver; with generating a confirmation of receipt at the receiver and emitting the confirmation of receipt to the emitter point.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIO PEREZ whose telephone number is (571)272-7846. The examiner can normally be reached on 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/09/2009

/J. P./
Examiner, Art Unit 2617

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2617